THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

TAKEN UP WRIT PETITION NO.8607 OF 2007

Date: 3.12.2007

Between:

Smt. Mendragutti Viajayalakshmi … Petitioner

And

The Government of A.P. represented by its Secretary,
Home Department, Secretariat, Hyderabad
and others. … Respondents.

ORAL ORDER: **(per A. Gopal Reddy, J)**

Smt. Mendragutti Vijayalakshmi, the mother of the alleged detenu – Mendragutti Uttamakumar, has filed this writ petition for a writ of habeas corpus alleging that on 21.4.2007 at about 9.00 am while the detenu and his friend one Rajkumar went to Bapatla on a motor cycle to meet his friend, one person by name Buran who is working as a constable under the control of 2nd respondent and two other home guards had forcibly taken away the detenu and confined him in Bapatla Town Police Station on the ground that a warrant is pending against him in C.C.No.36 of 2006, but he has not been produced before the jurisdictional Magistrate.

None appeared for the petitioner though the matter is posted today under the caption 'for

dismissal'.

We have heard the learned Advocate-General.

The Sub-Inspector of Police, Marine Police Station, Suryalanka, Bapatla Circle and in charge of S.I. of Police, Vedullapalle Police Station filed a counter-affidavit stating that Cr.No.67 of 2006 for the offences punishable under sections 457 and 380 IPC was registered on the complaint made by one Thota Venkateswarlu complaining house burgling. During the course of investigation on 9.5.2007 on receiving reliable information that one person is moving under suspicious circumstances at Flower Market Centre, Guntur, the Investigating Officer along with his staff reached the place and on questioning, the suspected person revealed his name as Mendragutti Uttam Kumar @ Vittu ie the alleged detenu herein and on the confession made by him that he along with four others committed the offence, he was apprehended and also recovered part of the stolen property pertaining to the above crime from his possession. After completing the formalities, he was produced before the Special Mobile Magistrate on 10.5.2007 who remanded him to judicial custody. Pursuant to the remand order, the detenu was lodged at District Jail, Guntur. The other Accused Nos.2 to 5 are absconding and police are making efforts to trace out them and to recover the remaining stolen property.

In the light of the averments made in the counter-affidavit, the allegation that the police have illegally detained the alleged detenu cannot be accepted. The material placed on record clearly discloses that he is arrayed as A.1 in the above crime and he was arrested after he was found to have been in possession of certain stolen property and after obtaining lawful order of remand from the jurisdictional Magistrate, he was remanded to judicial custody. In view of the same, we find no merit in the writ petition, which is accordingly dismissed.

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A. GOPAL REDDY, J

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3rd December, 2007 **NOOTY RAMAMOHANA RAO, J**

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